



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

JUL 14 2010

Elizabeth Kingsley, Esq.  
Harmon, Curran, Spielberg & Eisenberg, LLP  
1726 M Street, NW, Suite 600  
Washington, DC 20036

RE: MUR 6290  
Project Vote

Dear Ms. Kingsley:

On July 2, 2010, the Federal Election Commission accepted the signed conciliation agreement and civil penalty submitted on your client's behalf in settlement of a violation of 2 U.S.C. § 438(a)(4), a provision of the Federal Election Campaign Act of 1971, as amended, and 11 C.F.R. § 104.15(a) of the Commission's Regulations. Accordingly, the file has been closed in this matter.

Documents related to the case will be placed on the public record within 30 days. *See* Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files, 68 Fed. Reg. 70,426 (Dec. 18, 2003). Information derived in connection with any conciliation attempt will not become public without the written consent of the respondent and the Commission. *See* 2 U.S.C. § 437g(a)(4)(B).

Enclosed you will find a copy of the fully executed conciliation agreement for your files. Please note that the civil penalty is due within 30 days of the conciliation agreement's effective date. If you have any questions, please contact me at (202) 694-1650.

Sincerely,

A handwritten signature in black ink, appearing to read "Margaret Ritzert".

Margaret Ritzert  
Attorney

Enclosure  
Conciliation Agreement

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FEDERAL ELECTION  
COMMISSION

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MUR 6290 OFFICE OF GENERAL  
COUNSEL

**BEFORE THE FEDERAL ELECTION COMMISSION**

In the Matter of

Project Vote  
Karyn Gillette

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**CONCILIATION AGREEMENT**

This matter was initiated by a *sua sponte* submission filed with the Federal Election Commission ("the Commission") by Project Vote and Karyn Gillette. The Commission found reason to believe that Project Vote ("Respondent") violated 2 U.S.C. § 438(a)(4) and 11 C.F.R. § 104.15(a).

NOW, THEREFORE, the Commission and the Respondent, having participated in informal methods of conciliation, prior to a finding of probable cause to believe, do hereby agree as follows:

I. The Commission has jurisdiction over the Respondent and the subject matter of this proceeding, and this agreement has the effect of an agreement entered pursuant to 2 U.S.C. § 437g(a)(4)(A)(i).

II. Respondent has had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. Respondent enters voluntarily into this agreement with the Commission.

IV. The pertinent facts in this matter are as follows:

1. Respondent is a non-profit 501(c)(3) corporation that organizes and implements national voter registration and get-out-the-vote programs. Respondent has not registered as a political committee with the Commission.

2. The Federal Election Campaign Act of 1971, as amended, ("the Act") requires political committees to file reports of their receipts and disbursements and to identify each individual who makes aggregate contributions to them in excess of \$200 within a calendar year.

2 U.S.C. § 434(b)(3)(A). Under Section 438(a)(4) of the Act, the Commission must make available for public inspection and copying reports and statements filed with it within 48 hours of receipt.

3. Any information copied from such reports or statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address for any political committee to solicit contributions from such committee. 2 U.S.C. § 438(a)(4). Commission regulations provide that the phrase "soliciting contributions" includes soliciting any type of contribution or donation, such as political or charitable contributions. 11 C.F.R. § 104.15(a), (b).

4. In fall or winter of 2007, Project Vote's then-Development Director, Karyn Gillette, downloaded the names and addresses of individuals who contributed to then-presidential candidate Barack Obama from his campaign's most recent report, published on the Commission's website. One or two months later, she included approximately 7,853 of these names and addresses in a Project Vote direct mail solicitation.

5. In response to the direct mail solicitation, Project Vote received \$4,415 in donations from those individuals whose names and addresses were downloaded from the Commission's website.

6. Ms. Gillette asserts that she was not aware of the prohibition on use of Commission data for solicitation purposes when she downloaded the names and addresses, and that once she learned of this prohibition, she disclosed her actions to Project Vote's Executive Director, who

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1 instructed her not to use Commission data in solicitations and to ensure that her department  
2 complied with this instruction as well.

3 7. Project Vote reports that, to the best of its knowledge, Ms. Gillette's actions in fall or  
4 winter of 2007 were the only instance of her using Commission data for solicitation purposes.

5 8. Project Vote has not refunded the \$4,415 in donations it received from the improperly-  
6 solicited individuals.

7 9. Project Vote reported the violation in a *sua sponte* submission approximately ten  
8 months after learning of the violation. In evaluating this matter, the Commission considered a  
9 number of factors, including the above-described corrective measures and Respondent's  
10 cooperation with the Commission, as well as Respondent's delay in reporting the violation and  
11 failure to refund the improperly-solicited donations.

12 V. Respondent violated 2 U.S.C. § 438(a)(4) and 11 C.F.R. § 104.15(a) by copying  
13 names and addresses from reports filed with the Commission for the purpose of soliciting  
14 donations.

15 VI. 1. Respondent will pay a civil penalty to the Commission in the amount of  
16 \$2,200, pursuant to 2 U.S.C. § 437g(a)(5)(B).

17 2. Respondent will cease and desist in committing violations of  
18 2 U.S.C. § 438(a)(4) and 11 C.F.R. § 104.15(a).

19 3. Respondent will disgorge to the U.S. Treasury \$4,415 in donations it received  
20 as a result of soliciting those persons whose names and addresses were downloaded from the  
21 Commission website.

22 VII. The Commission, on request of anyone filing a complaint under  
23 2 U.S.C. § 437g(a)(1) concerning the matters at issue herein or on its own motion, may review

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1 compliance with this agreement. If the Commission believes that this agreement or any  
2 requirement thereof has been violated, it may institute a civil action for relief in the United States  
3 District Court for the District of Columbia.

4 VIII. This agreement shall become effective as of the date that all parties hereto have  
5 executed same and the Commission has approved the entire agreement.


6 IX. Respondent shall have no more than 30 days from the date this agreement becomes  
7 effective to comply with and implement the requirement(s) contained in this agreement and to so  
8 notify the Commission.

9 X. This Conciliation Agreement constitutes the entire agreement between the parties on  
10 the matters raised herein, and no other statement, promise, or agreement, either written or oral,  
11 made by either party or by agents of either party, that is not contained in this written agreement  
12 shall be enforceable.

13 FOR THE COMMISSION:

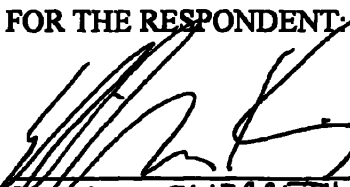
14 Thomasenia P. Duncan  
15 General Counsel

16 BY:

  
17 ~~Ann Marie Terzaken~~ Kathleen Guith  
18 Acting Associate General Counsel  
19 For Enforcement

7-13-10  
Date

20 FOR THE RESPONDENT:

  
21 ~~(Name)~~ ELIZABETH KINGSLEY  
22 (Position) ATTORNEY  
23

10 June 2010  
Date

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